

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

MELODY NAKINA LEWIS,

Case No. 18- 14388 SAH  
(Chapter 7)

Debtor.

---

IAN'S ENTERPRISE, LLC, an Oklahoma  
limited liability company,

Plaintiff,

VS.

Adv. Pro. No. 19-01007

MELODY NAKINA LEWIS,

Defendant.

---

**MOTION TO RECONSIDERED WITH BRIEF IN SUPPORT WITH NOTICE AND  
OPPORTUNITY FOR HEARING**

**COMES NOW** the Defendant, Melody Nakina Lewis, by and through her attorney of record Stephen A Harry, and request the Court to reconsider the Judgement filed April 9, 2020. Reconsideration is requested under the Federal Rules of Civil Procedure Rule 59( e ). The Judgement was Ordered after the Defendant's counsel failed to pay an award for attorney fees to Plaintiff's counsel. Defendant counsel failed to file a motion with this Court to request more time to pay the fee. Defendant's counsel did attempt to contact Plaintiff's counsel to ascertain his approval or rejection to allow more time. The telephone message to call was not returned but the Plaintiff's counsel did email asking if payment was sent. Defendant counsel stated no and stated he wasn't sure how long it would take to amass the \$5,653.00.

As the Court may remember, Defendant's counsel was diagnosed with Cancer in the

late summer of 2019. After some counseling, surgery was selected and that occurred mid-September, 2019. Approximately five days after the operation counsel contracted a post op infection. Later it was found out that the infection was e-coli. The infection was causing major organ and nerve damage and necessitated admission into the intensive care unit for 5 days. While in ICU counsel suffered a mild heart attack. The infection caused damages to my legs and I was not able to walk unassisted. I had physical therapy at home for several days.

Defendant's council went for four months without any law clients and all savings and credit was used to maintain a home and office. Once Back to work it took several weeks to see any income. Defendant counsel should have filed a motion asking for more time but I didn't file in time. It's not that I didn't want to pay on time I just didn't have the money.

Counsel is asking for more time to pay the judgement. Six months longer should allow enough time to collect the fee necessary if the Court would grant some additional time. Again, the mistake of counsel has caused the Defendant to suffer and loose her right to trial and burdens her with a judgement that she cannot discharge, thus denying her a fresh start. This action seems to be manifestly unjust to the Defendant. Defendant's counsel will make payment but more time is needed, especially during these time of quarantine concerns. Defendant counsel will attempt to substitute for new counsel to represent the Defendant, at my expense, if the Court believes that would help the Defendant.

WHEREFORE, premises considered, Defendant prays this Court rescind the judgement and allow additional time for Defendants counsel to pay the attorney's fee award and for any other and further relief to which the Defendant may be entitled to under law.

### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

**The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

Respectfully submitted,

/s/ Stephen A Harry  
Stephen A Harry, OBA # 20499  
4101 Perimeter Center Dr. Suite 110  
Oklahoma City, OK 73112  
405-384-8746—phone  
405-214-1486---fax  
[stephenaharry@sahlawoffice.com](mailto:stephenaharry@sahlawoffice.com)  
Attorney for the Melody Lewis